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REMARKS

Claim Status

Claims 4-7, 14-18 and 30-39 remain pending in the present application. Claims 30 and 31 are amended herein in independent form and recite the features of their former base claim 4. Claim 39 is amended without prejudice.

The total claim count remains the same.

Formal Rejections

Claims 37-39 stand objected to for introducing new subject matter and rejected for failing to comply with written description requirements. Applicant respectfully directs the Office to the following specification passages, which should alleviate the outstanding objection and rejection.

For claim 37, please see, e.g., page 13, lines 22-27, page 14, lines 14-17, original claim 17 and now canceled claim 25. (Please also see priority application no. 60/126,591 at page 6 and 8, and claims 3 and 7. The 60/126,591 application is incorporated by reference into the present application at page 1, lines 6-7.)

For claim 38, please see, e.g, page 19, lines 15-21.

For former claim 39, please see, e.g., page 15, lines 21-24. (The outstanding rejection of claim 39 is believed moot, since claim 39 has been amended herein.).

Withdrawal of the objection and rejection of claims 37-39 is respectfully requested.

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Art Based Rejections

Claims 4, 5, 14 and 30-36 stand rejected as being anticipated by U.S. Patent No. 5,646,997 ("Barton"). Claims 6-7, 15-16 and 17-18 stand rejected as being unpatentable variously in view of U.S. Patent No. 5,970,147 ("Davis"), applicant's alleged "admitted prior art" and U.S. Patent No. 4,422,171 ("Wortly"). Applicant respectfully traverses these rejections.

Claim 4 in view of Barton

Applicant is puzzled by the Office's suggestion in its most recent final office action, at page 4, lines 7-10, that Barton teaches "changing the auxiliary information based on the original data because . . . block sequence numbers contained within the auxiliary information are changed according to where in the original data the auxiliary information is embedded."

It appears to us, rather, that a Barton frame sequence has different sequence numbers embedded therein depending on where a frame falls within a sequence. Barton's sequence numbers seem content-independent -- differing within a frame sequence based on frame location within the sequence, and not changed based on original data.

For example, Barton at column 4, lines 24-26, suggests that a sequence number is provided as part of metadata to ensure that video frames are not deleted or re-ordered. At column 9, lines 37-41, Barton teaches that a sequence number be encoded in each sequence block in a movie. On retrieval, a decoder looks for an increasing sequence number; and if the sequence number is not proper, then the sequence is deemed to have been tampered with (see column 9, lines 42-45).

Barton's sequence numbers identify a frame or sequence location, and appear to be content or data independent. Thus, Barton is not understood to suggest changing

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received auxiliary data based on original data itself, as contemplated in claim 4.

Moreover, Barton is not understood to: i) receive auxiliary information; and, then ii) change the received auxiliary information based on original data. Instead, Barton receives a sequence number that corresponds to a particular frame sequence location, and then embeds the sequence number -- unchanged – in the frame.

Applicant respectfully requests that claim 4 be allowed.

Claim 39 in view of Barton

One example falling within the scope of claim 4 is recited in amended claim 39. Claim 39 recites that original data includes plural bits, and changing includes changing the auxiliary data based at least in part on some of the plural bits. (Of course, there are many other examples and implementations that will fall within the scope of claim 4.)

Barton is not understood to teach or suggest such a combination of features. We respectfully submit that claim 39 should be allowed.

Claim 31 in view of Barton

Applicant is similarly puzzled by the rejection of claim 31 and 32, now amended in independent form to simplify discussion on appeal.

For example, the Office suggests that Barton teaches changing at least a plurality of the plural bits (but not adding onto the total number of bits) "because Barton's aforementioned block sequence numbers can change based upon wherein in the original data the bit string is to be embedded" (see the Final Office Action, page 5, lines 8-11 of paragraph 9).

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Applicant is not sure how the Office's above statement teaches that the auxiliary information comprises a total number of bits, and the changing does not alter the total. In fact, it seems that Barton teaches appending information to auxiliary data (see, e.g., column 7, line 1).

Claim 31 is believed to be in condition for allowance.

Claim 33 in view of Barton

The cited Barton passage (column 1, lines 23-32) is deficient since it does not teach printing an embedded photograph on an identification document, as recited in claim 33.

Claim 33 should be allowed.

Claim 34 in view of Barton

As discussed above, a Barton sequence number is provided to mark a position or location within a sequence, and does not seem related to content within a frame or block. Thus, Barton is not understood to teach changing auxiliary information based on data within a photograph, as recited by claim 34.

We respectfully request that claim 34 be allowed.

Remaining Claims

The remaining claims recite many additional patentable combinations. Favorable and independent consideration is requested for each of the remaining claims.

Moreover, applicant expressly traverses the proposed combination of Barton with Davis, Wortly and applicant's "admitted prior art."

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With respect to applicant's "admitted prior art," applicant notes that while examples of steganographic embedding are mentioned in the specification, applicant does not admit that such embedding techniques teach or suggest his inventive combinations. For example, applicant teaches combinations, such as recited in claim 15, that are not suggested by Barton, even in view of the embedding techniques discussed.

Applicant reserves his right to even more fully address these outstanding rejections on appeal, if needed.

Request for Personal Interview

Applicant renews his request for a telephone interview to discuss the claims in view of the cited art. Should the Examiner pick up this Amendment prior to the scheduling of an interview, the Examiner is requested to contact the undersigned at the phone number given below.

Conclusion

Early passage to issuance is respectfully requested in view of the above amendments and remarks. (Other deficiencies of the art are not belabored herein. Applicant also questions the propriety of combining the references as suggested in the office action, along with the motivation for doing so.).

The Examiner is invited to telephone the undersigned at 503-495-4575 if any issue remains.

Date: March 17, 2004   Respectfully submitted,

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